

REMARKS

Claim Amendment

Claims 18-43 are cancelled.

Claims 44-50 are added. New Claims 44-50 are supported as follows.

Claim 44 is based on Claim 24 (the method of synthesis of compounds (1a) through (8a)), and is further directed at the method of synthesis of compounds (1)-(8) and (17)-(32), as disclosed on page 13, line 14 through page 17, line 9, of the English translation of the application as filed.

Claim 45 is Claim 25.

Claim 46 is Claim 26.

Claim 47 is Claim 27.

Claim 48 is Claim 28.

Claim 49 is drawn to the compounds disclosed on page 4 (Compounds (6)-(8)), page 6 (Compounds (5a)-(8a)), and pages 10-11 (Compounds (25)-(32)) of the English translation of the specification as filed.

Claim 50 is based on the subject matter of Claims 19 and 23.

Restriction Requirement and Disposition of Claims

Claims 18-43, presented by the Preliminary Amendment of July 28, 2008 were subject to a restriction requirement. Responsive to the restriction requirement, Applicants elected, with traverse, the invention of Group I, Claims 18, 19, 22, 23 and 24-28 (to the extent readable on Claims 18 and 22), drawn to mono-metal compound and methods of making same. Applicants also selected the species of Example 33, page 24 (Claims readable on the elected species are Claims 22 and 23).

By the present amendment, Applicants cancel Claims 18-43 and add new Claims 44-50, drawn to mono-metal compound and methods of making same. Thus, New Claims 44-50 belong to Group I.

Applicants reserve the right to file a continuing application or take such other appropriate action as deemed necessary to protect the non-elected inventions. Applicants do not hereby abandon or waive any rights in the non-elected inventions.

Rejections of Claims 22 and 23 over Selbin

The Examiner rejected Claim 22 as not novel under 35 U.S.C. §102(b), and Claim 23 as unpatentable under 35 U.S.C. §103(a) over Selbin *et al.*, Journal of Organometallic Chemistry, Vol. 214, pp. 253-259 (1981), “Selbin”. The Examiner stated that Selbin discloses a compound that falls within the structural formula “Compound 19”, as recited in Claim 22. Regarding Claim 23, the Examiner stated that it would be obvious for one of ordinary skill in the art to purify the compound disclosed in Selbin to the level of purity recited in Claim 23.

Applicants submit that new Claims 44-50 are novel and non-obvious over Selbin.

Regarding independent Claim 49, Applicants note that all compounds recited in this claim have a nitro group (NO₂) in a position *ortho* to the metal ion. Selbin neither discloses a nitro substituent in such a position nor suggests placing a nitro group *ortho* with respect to a metal ion. Consequently, independent Claim 49, as well as Claim 50, dependent thereon, are both novel and non-obvious over Selbin.

Regarding Claim 44, Applicants note that Selbin neither teaches nor suggests a process for preparing metal complexes substituted by a nitro group, wherein the nitro group is introduced by a nitration reaction directly on the metal complex, as recited in Claim 44. Consequently, Claim 44, as well as Claims 45-48 dependent thereon, are both novel and non-obvious over Selbin.

EP 1 191 613

The Examiner stated that the EP 1 191 613 discloses the compounds of Claim 18, now cancelled (“EP ‘613”).

Applicants submit that new Claims 44-50 are both novel and non-obvious over EP ‘613.

Regarding Claims 49 and 50, Applicants offer the following observations. EP ‘613 discloses metal coordination compounds of generic formulas (1) and (2) shown on pages 6 and 7, respectively. Of these, only generic formula (1) includes substituents in the *ortho* position with

respect to the metal atoms, namely substituents X1 and X8. However, Applicants analysis of the specific embodiments of the compounds of generic formula (1), listed in Tables 3-8 on pages 13-18 of EP '613, indicates that neither X1 nor X8 takes the value of NO₂. As such, EP '613 neither discloses metal coordination compounds that have a nitro group (NO₂) in a position *ortho* to the metal ion, nor direct one of ordinary skill in the art to produce or use such a compound. Consequently, Applicants' new Claims 49 and 50 are both novel and non-obvious in view of EP '613.

Regarding Claim 44, Applicants note that EP '613 neither teaches nor suggests a process for preparing metal complexes substituted by a nitro group, wherein the nitro group is introduced by a nitration reaction directly on the metal complex, as recited in Claim 44. Consequently, Claim 44, as well as Claims 45-48 dependent thereon, are both novel and non-obvious over EP '613.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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